

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
RASHAUN BLANFORD,

Plaintiff,

-against-

CORRECTION OFFICER S. BANKS, et al.,

Defendants.
-----X

**DECLARATION OF
BRIAN DEMEREE**

21-CV-0231

TJM/CFH

BRIAN DEMEREE, on the date noted below and pursuant to § 1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am currently employed by the New York State Office of Mental Health (“OMH”) as a Rehabilitation Coordinator II at Marcy Correctional Facility (“Marcy”). I have been employed by OMH for approximately 6 years and have been assigned to Marcy for my entire career with OMH.

2. I am a Defendant in the above-captioned action and submit this declaration in support of Defendants’ motion for summary judgment.

3. At all times relative to Plaintiff’s claims I was assigned to the Marcy Residential Crisis Treatment Program (“RCTP”).

4. As a Rehabilitation Coordinator II, my duties include, among others, performing safety screens of incarcerated individuals who are admitted to the Marcy RCTP.

5. This information contained herein is based upon my personal knowledge, a review of the records kept in the usual course of business by OMH, and OMH policy and procedures.

6. It is my understanding that Plaintiff claims I was deliberately indifferent to his serious medical needs beginning on February 2, 2021 when I had contact with him in the Marcy RCTP. Specifically, Plaintiff claims that I failed to treat or arrange for treatment of pen tips which Plaintiff allegedly inserted into his penis.

7. Plaintiff's claims asserted against me are patently false. On February 3, 2021, I assisted OMH Psychiatrist Dodd in screening Plaintiff for suicide indicators while in the Marcy RMHU. A copy of the progress note Psychiatrist Dodd authored on February 3, 2021 is attached hereto as **Exhibit A**.

8. On February 3rd, Plaintiff presented as agitated and angry, as he frequently yelled at us. Plaintiff eventually calmed and advised us that he was suicidal and afraid for his life. Plaintiff noted that he believed DOCCS security staff members were tampering with his food, and that he was assaulted the day before for no reason. Furthermore, Plaintiff was angry that he had not been transferred to an outside hospital and alleged that he had pen parts in his urethra, despite my observation that Plaintiff was urinating on his cell floor. See Exhibit A.

9. As a Rehabilitation Coordinator II, I am aware of the procedures applicable to admitting an incarcerated individual into the Marcy RCTP. One of the procedures requires that all incarcerated individuals admitted into Marcy RCTP are evaluated by Department of Corrections and Community Supervision ("DOCCS") Health Services staff to determine any health issues which must be monitored in conjunction with psychological treatment in the Marcy RCTP.

10. I reviewed Plaintiff's admission documents and observed that Plaintiff received a health screening upon his admission to Marcy RCTP. A copy of Plaintiff's RCTP Nursing Assessment performed on February 2, 2021 is attached hereto as **Exhibit B**.

11. Pursuant to Plaintiff's RCTP Nursing Assessment performed on February 2, 2021, DOCCS Health Services was aware of Plaintiff's threats to insert pen tips in his penis. See Exhibit B.

12. As I have no medical training or background, I am prohibited from providing medical treatment to incarcerated individuals in the Marcy RCTP. Accordingly, at no time in dealing with Plaintiff did I offer him medical advice or treatment.

13. Inasmuch as Plaintiff alleges that I told him to "think about what [he] did" or that Plaintiff would "pass" the pen tips in his penis, this is untrue.

14. The only interaction I had with Plaintiff regarding his medical needs was listening to his issues and complaints and then making sure the appropriate DOCCS Health Services staff members were aware, so that they could render medical treatment. Upon verification that DOCCS Health Services was aware of Plaintiff's medical concerns, I allowed them to exercise their professional judgment in providing Plaintiff medical treatment.

15. At no point in time have I ever been indifferent to an individual's medical condition, including Plaintiff's. In the instant matter, upon learning of Plaintiff's medical concerns, I notified the appropriate DOCCS Health Services staff members who were in the best position to provide medical treatment.

16. At all times in dealing with Plaintiff, I conducted myself in accordance with my responsibilities as a Rehabilitation Coordinator II, in a manner consistent with the regulations of OMH and what I understood my obligations under state and federal law to be.

Dated: Marcy, New York
September 23, 2022



Brian Demeree

Exhibit A

NYS Office Of Mental Health - MHARSII

Progress Note -Single Detail

43 Central New York Psychiatric Center

Patient Name:	BLANFORD, RASHAUN	State ID: 3097831
Case Number:	595733	Gender: Male
DOB:	05/27/1996	DIN: 18-B-0908
Admission Screening Date:	04/05/2018	

Unit: 912 Marcy Residential Mental Health Unit

Note Unit : 912 Marcy Residential Mental Health Unit

Entered By: 91245 Dodd, Jack E

Date: 02/03/2021

Time	Description	Svc Unit	Duration	Note Code
8:30 am		912		Psychiatrist Note

Notes: CHIEF COMPLAINT AND CURRENT ISSUES:

Mr. Blanford was placed on a 1:1 watch for contraband after inserting part of a pen into his penile urethra.

HISTORY OF PRESENT ILLNESS: *(include past hospitalizations, past medications and self-harm):*

He was approached by B. Demeree and the undersigned cellside, and was initially holding his hatch open. After Cpt Kierpac spoke with him he closed it. Mr. Blanford was intinally yelling and seemed angry. He calmed after some conversation with OMH staff. He said, "I'm suicidal-afraid for my life." He accused corrections officers of "messaging with his food," and said he was assaulted by corrections officers for no reason yesterday. He was angry that he had not been taken to an outside hospital to have the pen parts removed from his urethra, but was urinating on the floor of his cell. Urine was observed on the floor just outside his cell. It was clear that he had inserted the object (which was unwitnessed) in order to get to an outside hospital.

MEDICAL ISSUES - CURRENT & PAST: *(include allergies)*

Asthma; Hypertension

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SUBSTANCE ABUSE HISTORY: History of alcohol and cannabis abuse.**PERSONAL HISTORY:** *(Include pertinent developmental, familial, social, occupational and legal issues)*

This is the second NYS bid for Mr Blanford who was convicted of Murder and Criminal Possession of a Weapon.

CR Date: 3/27/32

ME Date: 9/3/34

MENTAL STATUS EXAMINATION: Mr. Blanford is a 24 y/o African-American male who looks his stated age. He is agitated and yelling when first seen, but calms after some discussion. He states he is feeling suicidal but does not endorse homicidal ideation or hallucinations. His mood is irritable with a congruent affect. Thought content is coherent and relevant. His intelligence has been described as mildly intellectually disabled. He is impulsive and has little insight. His behavior does seem deliberate and goal-driven, not the product of a serious mental illness. He indicates several times he inserted an object into his penis in order to go to an outside hospital. He is future-oriented.

User: Dodd, Jack

02/03/2021 12:15:13

OMH PHI

NYS Office Of Mental Health - MHARSII

Progress Note -Single Detail

43 Central New York Psychiatric Center

Patient Name:	BLANFORD, RASHAUN	State ID: 3097831
Case Number:	595733	Gender: Male
DOB:	05/27/1996	DIN: 18-B-0908
Admission Screening Date:	04/05/2018	

Unit: 912-Marcy Residential Mental Health Unit

Prior CSRA/risk assessment documentation reviewed? YXX / N / No Prior Documentation

Are there any changes in risk factors or protective factors since last contact?

☐ Yes ☒ No If yes, describe briefly:**CURRENT ASSESSMENT OF SUICIDE RISK:** Describe suicide risk factors, warning signs/ triggers (IS PATH WARM, Prison Based) and protective factors which are present or noted in the documentation)

No acute warning signs for suicide are present.

IMPRESSION/DIAGNOSES: (Primary diagnosis should be listed first noted with a "P")**Mental Health:** ASPD (P); Intellectual Disability, Mild; Intermittent Explosive Disorder; Cannabis Use Disorder, Severe; Alcohol Use Disorder**Physical Health:** Asthma; Hypertension; Allergy to sulfa drugs.**PLAN:** Mr. Blanford will remain on a 1:1 watch on the gallery for now per the treatment team. He'll be assessed by OMH staff daily. He declines any medication.**MEDICATIONS:** List all current psychiatric and medical medications, including dose and frequency: (Include all current medications from prior unit/facility if applicable and any additions as appropriate. Indication for each psychiatric medication must be documented in either the Medication section, Plan (above) or in the Physician Orders):**Psychiatric Medications:**

1. None.
- 1.
- 2.
- 3.
- 4.

Medical Medications:

1. See CIPS
- 1.
- 2.
- 3.
- 4.

MEDICATION EDUCATION PROVIDED (check when provided): ☐**COMMENTS:** None.**ADDITIONAL INFORMATION:** None.**FOLLOW UP:** 2/4/21.**SIGNATURE/TITLE:** Jack Dodd MD / Psychiatrist**PRINTED NAME:** Jack Dodd MD

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Date: 2/3/2021**Staff:** 91245 Dodd, Jack E**Title:** Locum Tenens Psychiatrist**Date:** 02/03/2021**User:** Dodd, Jack

02/03/2021 12:15:13

OMH PHI

NYS Office Of Mental Health - MHARSII

Progress Note -Single Detail

43 Central New York Psychiatric Center

Patient Name: BLANFORD, RASHAUN
Case Number: 595733
DOB: 05/27/1996
Admission Screening Date: 04/05/2018

State ID: 3097831
Gender: Male
DIN: 18-B-0908

Unit: 912 Marcy Residential Mental Health Unit

Confirmed By: 91245 Dodd, Jack E

Date: 2/3/21 12:15 pm

Title: Locum Tenens Psychiatrist

Electronically Signed By: Dodd, Jack E On 2/3/2021 12:15:06PM

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Exhibit B

330 MED CNYPC (REV. 4/8/14)

RCTP NURSING ASSESSMENT

Name: Blanford, Rashaun DOB: 5/27/96
 C#: 595733 DIN: 18B0908 Date/Time of Transfer to RCTP: 2/2/21 1130am
 Satellite Unit: Marcy RMHU Cell #: _____
 Sending Facility (if 4301 transfer): _____

SECTION A: ADMISSION TO RCTP (Completed by Admitting RN prior to end of shift)

Date/Time of Referral: 2/2/21 1130am Source of Referral: Lorusso SW

Patient's Preferred Language: English

Reason for Referral to RCTP (Include patient's symptoms/complaints, behavior described by referral source):

Threats of self-harm

Observations at the time of admission (Include: Cooperative with interview? Responsive to redirection? Agitated? Angry/combative? Speech Disorganized/incoherent? Delusional or bizarre content? Does behavior match reported symptoms? Change from baseline, if known?):

Threatening to insert a pen into penis. Bizarre behavior. Good eye contact, speech normal.

RN Signature: [Signature] Date/Time: 2/2/21 1130am

SECTION B: ASSESSMENT (Completed within 24 hours of patient transfer to RCTP)

Date/Time Completed: 2/2/21 1130am

ACTIVITY: ☒ cooperative ☐ uncooperative ☐ restless ☒ calm ☐ coherent ☐ incoherent
☐ agitated ☐ threatening ☐ aggressive ☐ assaultive ☐ withdrawn

Altered non-verbal communication: ☒ no alteration noted

☒ exaggerated or bizarre gestures or movement ☐ posturing ☐ poor eye contact ☐ intrusive ☐ guarded

Disturbance of Speech: ☒ no disturbance noted

☐ mute ☐ repetitive ☐ slurred ☐ rapid ☐ pressured ☐ slow ☐ loose associations

Describe: _____

Emotions: ☒ affect congruent with mood

☐ inappropriate affect ☐ flat affect ☐ labile ☐ fearful ☐ euphoric ☐ sad ☐ anxious ☐ tearful ☐ angry

Describe: Spiteful - angry at doccs medical

SENSORY PERCEPTION PROCESS: ☒ No deficit noted ☐ paranoid ideation ☐ delusional ☐ suspicious

Hallucination: ☒ Denies ☐ Present ☐ auditory ☐ visual ☐ tactile ☐ olfactory

ORIENTATION: Time: ☒ Y ☐ N Place: ☒ Y ☐ N Person: ☒ Y ☐ N

COGNITIVE PROCESS: ☒ no deficit noted ☐ knowledge deficit ☐ preoccupied ☐ obsessions ☐ hx of head injury

Memory: RECENT: ☒ Good ☐ Impaired REMOTE: ☒ Good ☐ Impaired

Insight: ☐ Good ☒ Impaired Judgment: ☐ Good ☒ Impaired

HOMICIDAL IDEATION: ☐ Y ☒ N Toward whom?

SUICIDAL IDEATION: ☐ Y ☒ N SUICIDE PLAN? ☐ Y ☐ N

Describe plan:

History of Suicide Attempts ☐ Y ☒ N ☐ Unknown History of Self-mutilation? ☐ Y ☐ N ☐ Unknown

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RCTP NURSING ASSESSMENT (continued) Page 2

Name: Blanford, Rashaun DOB: 5/27/96

C#: 595733 DIN: 18B0908

HYGIENE: ☐ Poor ☒ Fair ☐ Good Comment: _____

SLEEP DISTURBANCES: ☐ Y ☒ N ☐ Unknown

MEDICATIONS AND MEDICATION COMPLIANCE:

History of hoarding/cheeking medications: ☐ Y ☐ N ☐ Unknown

List Current Psychiatric Medications: None

Compliant with Psychiatric Medication(s): ☐ Y ☐ N ☐ Unknown Comment: _____

List Current Medical Medications: unknown

Compliant with Medical medications: ☐ Y ☐ N ☐ Unknown

Allergies to Food/Drugs: ☐ Y ☒ N ☐ Unknown Specify: _____

CO-EXISTING MEDICAL CONDITIONS: ☐ Y ☐ N ☒ Unknown

History of seizures: ☐ Y ☐ N ☒ Unknown

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VITAL SIGNS:

B/P _____ Pulse _____ Resp _____ Temp _____ Height _____ Weight _____

If not obtained, state reason: _____ Refused

NUTRITIONAL/HYDRATION ASSESSMENT: (Check all reported by patient or others or none reported):

☒ **None reported**

☐ Has refused _____ consecutive meals ☐ Insulin Dependent DM ☐ Difficulty chewing or swallowing ☐ jaundice

☐ Hx choking incident ☐ MAO inhibitor/INH ☐ Life threatening allergy/sensitivity ☐ Diagnosis of pregnancy/lactation

Lips: ☒ Moist ☐ Dry **Tongue:** ☒ Moist ☐ Dry, coated **Skin:** ☒ Smooth ☐ Dry/scaling ☐ Tenting

PAIN ASSESSMENT:

Does patient report physical pain at this time? ☐ Y ☒ N

Has the patient had physical pain in the last 2 months? ☐ Y ☒ N

Is patient receiving routine pain medication order? ☐ Y ☒ N

Are there any observable signs of physical pain? ☐ Y ☒ N

If YES, describe: _____

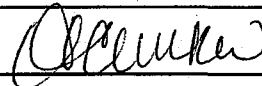
Was it treated? ☐ Y ☐ N

DOCCS MEDICAL NOTIFICATION/REFERRAL

DOCCS Medical notified of patient transfer: Date/Time: 2/2/21 1130am Person: DeRocco RN

DOCCS Medical referral for Pain Management: ☐ Y ☐ N ☒ N/A (if yes – use CNYPC MED 361 form)

DOCCS Medical referral for Nutritional/Hydration: ☐ Y ☐ N ☒ N/A (if yes – use CNYPC MED 361 form)

R.N. SIGNATURE  DATE/TIME: 2/2/21 1130am